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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Magistrate Docket No. 07 MJ 2753
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
COMPLAINT FOR VIOLATION OF: DEPUTY
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

Jose INIGUEZ-Delgado,

Defendant

The undersigned complainant, being duly sworn, states:

On or about **November 26, 2007** within the Southern District of California, defendant, **Jose INIGUEZ-Delgado**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Richard Otero
SIGNATURE OF COMPLAINANT
Richard Otero
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF NOVEMBER,
2007


Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose INIGUEZ-Delgado

PROBABLE CAUSE STATEMENT

On November 26, 2007 Senior Patrol Agent L. Mescia was performing linewatch duties in the Imperial Beach Border Patrol Station area of operations. At approximately 9:30 AM a National Guard scope operator informed Agent Mescia that he observed 4 individuals making their way north through an area known as the "Salt Flats". This area lies approximately 5 miles west of the port of entry at San Ysidro, California and 300 yards north of the international boundary with Mexico. This area is notorious for the presence of illegal aliens attempting to further their entry north after crossing the border.

As Agent Mescia entered the Salt Flats he observed the four individuals attempting to conceal themselves in the brush. Agent Mescia approached them and identified himself as a Border Patrol Agent and queried them as to their immigration status. Each of them, including the defendant, Jose INIGUEZ-Delgado, admitted to being citizens and nationals of Mexico illegally present in the United States. All were placed under arrest and transported Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on November 10, 2006** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.